



City of Albuquerque

Legislative File Number O-06-18 (version 2)

CITY of ALBUQUERQUE SEVENTEENTH COUNCIL

Annexation, 05epc-00561 / 05epc-01109, Annexing Twelve (12) Acres, More Or Less, Located On Irving Boulevard Nw, Between Ventana Ridge Road Nw, And Rainbow Road Nw, And Amending The Zone Map To Establish R-Lt Zoning.

CITY of ALBUQUERQUE SEVENTEENTH COUNCIL

BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:

Section 1. AREA PROPOSED FOR ANNEXATION. The owner of the area annexed hereby presented a properly signed petition to annex the following territory: 12-acres, more or less, located on Irving Boulevard, NW between Ventana Ridge Road, NW and Rainbow Road, NW; and more particularly described as follows:

(A) Lands of Amalgamated and Western Land Partners.

(B) All of the right-of-way adjoining the land described in A of this section to the extent it is not already in the City.

The above-described territory is contiguous to the City of Albuquerque.

Section 2. ANNEXATION ACCEPTED. The area specified in Section 1 above is designated Developing Urban in the *Comprehensive Plan* which makes it suitable for annexation. Furthermore, the petition for annexation meets the requirements of *Resolution 54-1990 (City's Annexation Policy)*. Therefore, the area specified in Section 1 above is hereby annexed subject to and contingent upon the terms of the Annexation Agreement between the applicant and the City for Project #1004091, which is attached hereto and

incorporated herein by reference.

Section 3. ZONE MAP AMENDED. The request for R-LT zoning is justified per *Resolution 270-1980* because it will allow residential development that is consistent with the existing property located to the south, which is more advantageous to the community. Therefore, the zone map adopted by Section 14-16-1-1 et. seq. ROA 1994 is hereby amended, establishing R-LT zoning for the area specified in Section 1 above.

Section 4. FINDINGS ACCEPTED. The following zone map amendment findings shall be adopted by the Council:

(A) This is a request for annexation of approximately 12 acres of vacant land located on Irving Blvd. NW between Ventana Ridge Rd. NW and Rainbow Blvd. NW, hereinafter called the “property”. The site is designated Developing Urban in the *Comprehensive Plan* and is currently zoned County A-1. The applicant requests the annexation in order to enter the City of Albuquerque jurisdiction and develop the property for single-family residential use, with an overall density of 5 dwelling units per acre. The development would result in a total of 60 new houses.

(B) On June 14, 2005, the Board of County Commissioners reviewed and approved annexation of the subject site.

(C) This request is accompanied by an additional request to establish R-LT zoning for the subject site. The proposed zone category is consistent with the zoning of the adjacent Ventana Ranch development to the south, and the proposed overall density of 5 dwelling units per acre is also consistent with neighboring properties.

(D) The applicant's agent has adequately addressed the policies of *Resolution 54-1990* in support of the annexation request, as follows:

Policy 1a: All public policy for land dedication for public facilities will be assured through the standard subdivision process as regulated by the Development Process Manual.

Policy 1b: This property is located within the service area of New Mexico

Utilities.

Policy 1c: The development of this site is not dependent on future utilities.

Policy 1d: The property is contiguous to the City limits at its south property line.

Policy 1e: The subject site is adjacent to paved public streets. Irving Blvd. is a city-owned right-of-way.

Policy 1f: The proposed annexation provides for reasonable service boundaries. It is the County's desire to have this parcel annexed; in fact, the County requested the remaining land adjacent to this parcel be annexed in the future.

Policy 1g: The annexation plat is based upon existing recorded plats. This annexation will provide for definite city limits rather than having a pocket of County land.

(E) The request furthers **Policy a** for *Developing Urban Areas* by allowing residential land use on property adjacent to City limits that will result in an overall gross density up to 5 dwelling units per acre. **Policy d** is also advanced because the site is adjacent to existing residential subdivisions of similar intensity and the proposed project will respect the surrounding neighborhood.

(F) The request furthers Transportation and Transit **Policies b and c** of the *Comprehensive Plan*, which call for land use decisions that support additional dwelling units near Major Transit and Enhanced Transit streets.

(G) The request furthers several goals and objectives of the *West Side Strategic Plan*, including **Policy 3.2** which calls for single-family residential land use within the Seven Bar Community but outside the area's Regional Center, and **Policy 3.4** because the annexation would allow for low-density single-family residential development outside the Regional Center, with the potential for safe pedestrian and bicycle access.

Section 5. SEVERABILITY CLAUSE. If any section, paragraph, sentence, clause, word or phrase of this ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not

affect the validity of the remaining provisions of this ordinance. The Council hereby declares that it would have passed this ordinance and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provisions being declared unconstitutional or otherwise invalid.

Section 6. EFFECTIVE DATE AND PUBLICATION. This ordinance shall take effect five days after publication by title and general summary and when a plat of the territory hereby annexed is filed in the office of the County Clerk.

X:\SHARE\Legislation\Seventeen\O-18fin.doc